

REMARKS

The present Restriction Requirement is traversed, as the Examiner has previously examined claims 73-75 prior to the filing of the present claims via RCE and thus there is no serious burden imposed on the Examiner in examining claims 73-75. Specifically, it is only proper to require restriction between patentable distinct inventions if there would be a serious burden on the Examiner if restriction is not required. *See MPEP § 803(A) and (B)* (referring to MPEP § 803.02, § 806.04(a) - § 806.04(i), § 808.01(a), and § 808.02)).

It is respectfully submitted that no serious burden would be placed on the Examiner to examine claims 1-72 of proposed Group I together with claims 73-75 of proposed Group II. As noted above, the Examiner has previously examined claims 73-75 prior to the filing of the present claims via RCE. Accordingly, it is not proper to restrict the application in this manner and, thus, the Examiner must examine the claims of proposed Group I and proposed Group II together on the merits. *See MPEP § 803(A) and (B).*

In light of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the present restriction requirement, based upon improper restriction of groups I and II. Applicant, of course, reserves the right to file divisional applications covering the subject matter of the non-elected claims and to add claims, by rejoinder, after search and examination.

In view of the foregoing, it is submitted that the present application is in condition for consideration on the merits. The Examiner is invited to contact the undersigned attorney to expedite the prosecution of the present application.

Respectfully submitted,
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